

Christopher D. Sullivan, SBN 148083  
csullivan@mcgranegreenfield.com  
McGRANE GREENFIELD, LLP  
One Ferry Building, Suite 220  
San Francisco, California 94111  
Telephone (415) 283-1776  
Facsimile (415) 283-1777

Steven M. Bauer\*  
sbauer@proskauer.com  
Kimberly A. Mottley\*  
kmottley@proskauer.com  
PROSKAUER ROSE LLP  
One International Place  
Boston, Massachusetts 02110  
Telephone (617) 526-9600  
Facsimile (617) 526-9899  
\*admitted *pro hac vice*

Attorneys for Plaintiff  
**MKS INSTRUMENTS, INC.**

Paul Grandinetti\*  
Rebecca J. Stempien\*  
LEVY & GRANDINETTI  
1156 Fifteenth Street, N.W., Suite 603  
Washington, D.C. 20005  
Telephone (202) 429-4560  
Facsimile (202) 429-4564  
mail@levygrandinetti.com  
\*admitted *pro hac vice*

Attorneys for Defendants  
**NEW POWER PLASMA and  
DOES 1-10 inclusive**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|                                 |   |                                      |
|---------------------------------|---|--------------------------------------|
| MKS INSTRUMENTS, INC.,          | ) | Case No.: C 09-02297 JSW (JL)        |
|                                 | ) |                                      |
| Plaintiff,                      | ) | <b>SECOND STIPULATION AND</b>        |
|                                 | ) | <b><del>PROPOSED</del> ORDER FOR</b> |
| v.                              | ) | <b>EXTENSION</b>                     |
|                                 | ) |                                      |
| NEW POWER PLASMA and DOES 1-10, | ) |                                      |
| inclusive                       | ) |                                      |
|                                 | ) |                                      |
| Defendants.                     | ) |                                      |
|                                 | ) |                                      |
|                                 | ) |                                      |
|                                 | ) |                                      |
|                                 | ) |                                      |

IT IS HEREBY STIPULATED by and between MKS Instruments, Inc. (“MKS Instruments”) and New Power Plasma Co., Ltd. (“New Power Plasma”) (collectively the “Parties”) that the time to achieve final documentation of the settlement terms decided upon during the Settlement Conference, held on February 16, 2010 before the Honorable James Larson, Magistrate, is extended through and including April 30, 2010. The Parties have been using all reasonable best

1 efforts to agree on the terms of the license agreement and have made significant progress, and  
2 assert that additional time is necessary to continue and complete negotiations.

3  
4 DATED: April 7, 2010

\_\_\_\_\_  
/s/ Chris Sullivan  
Attorney for Plaintiff  
MKS INSTRUMENTS, INC.  
Christopher D. Sullivan, SBN 148083  
[csullivan@mcgranegreenfield.com](mailto:csullivan@mcgranegreenfield.com)  
MCGRANE GREENFIELD, LLP  
1 Ferry Bldg Ste 220  
San Francisco, California 94111  
Telephone: (415) 283-1776  
Facsimile: (415) 283-1777  
and  
Steven M. Bauer\*  
[sbauer@proskauer.com](mailto:sbauer@proskauer.com)  
Kimberly A. Mottley\*  
[kmottley@proskauer.com](mailto:kmottley@proskauer.com)  
PROSKAUER ROSE LLP  
One International Place  
Boston, Massachusetts 02110-2600  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899  
\* admitted *pro hac vice*

11  
12  
13  
14  
15  
16  
17  
18 DATED: April 7, 2010

\_\_\_\_\_  
/s/ Paul Grandinetti  
Attorneys for Defendants  
NEW POWER PLASMA CO., LTD.  
Paul Grandinetti\*  
Rebecca J. Stempien\*  
LEVY & GRANDINETTI  
1156 Fifteenth Street, N.W., Suite 603  
Washington, D.C. 20005  
Telephone: (202) 429-4560  
Facsimile: (202) 429-4564  
[mail@levygrandinetti.com](mailto:mail@levygrandinetti.com)  
\*admitted *pro hac vice*

1 IT IS SO ORDERED:

2  
3 April 7, 2010

4 Date

  
UNITED STATES DISTRICT JUDGE